

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Government,

vs.

ROD BLAGOJEVICH,

Defendant.

No. 08 CR 888

Chicago, Illinois

June 6, 2011

8:58 o'clock a.m.

VOLUME 27
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL
AND A JURY

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1 (Proceedings heard in Court Chambers on the
2 record:)

3 THE COURT: We are here for me to pass
4 information on to you so you can figure out what, if
5 anything, you wish to do with this piece of
6 information.

7 I was informed by a court security officer
8 that a juror, in fact a juror we have seen before,
9 this is the juror who complained about the other
10 juror, I forget what her number is.

11 MR. SOROSKY: That's the mystery juror,
12 because -- oh, oh, the juror who actually
13 complained.

14 THE COURT: Yeah, the juror who actually
15 complained. The juror actually complained to one of
16 the security officers, and the court security
17 officer said she asked "where can I get a copy of
18 the book?" "where can I get a copy of ..." according
19 to both security officers was the exact wording
20 used, there is some conflict about the rest of the
21 exact words but they meant the defendant's book.

22 So you can devote some time and thought to
23 what, if anything, this means.

24 The court security officers instructed the
25 jury, I think again as they do on my orders, to stay

1 away from the media. In response to this the Court
2 security officer said "print media included."

3 So that's all I know. So you can decide
4 whether this means anything or doesn't mean
5 anything. I think it's quite good the juror
6 understands that should she some day acquire this
7 book, it will be after the verdict in this case.

8 Do you have anything for me, as long as we're
9 all here?

10 MS. KAESEBERG: Can I just ask, was that this
11 morning that she asked?

12 THE COURT: No, it was the end of the day
13 Thursday.

14 MS. KAESEBERG: Okay.

15 THE COURT: The jury is not convened again
16 since she said that.

17 So that's the story.

18 MR. GOLDSTEIN: Your Honor, we had one issue
19 and that was as to the transcript that the
20 government wants to play as far as impeaching the
21 defendant, and that was the very last thing that we
22 went over Thursday.

23 Our position is that the tape should not be
24 played, the transcript should not be submitted
25 because it's not impeaching anymore. The defendant

1 acknowledged, and this is the statement about Tony
2 Rezko and wait until January 6th to make the
3 appointment. The defendant clearly said that's
4 right they said that, acknowledged it. So we are
5 objecting to playing it, the rest of the portion as
6 well as the rest of the transcript, Your Honor.

7 MR. SCHAR: Judge, it's two issues, it's
8 actually still impeaching because the impression
9 that he left at the end of his direct testimony was
10 that this is all about the Madigan deal and he went
11 to bed that evening certain that that was moving
12 forward and what is going to happen in the next
13 several days.

14 We're going to put this section in in
15 rebuttal, I think it's fair to play it now to give
16 the jury the whole picture of what actually happened
17 that night before he was arrested because it was a
18 very misleading impression that he left and that's
19 why we think it's appropriate to do it at this
20 point.

21 THE COURT: Well the --

22 MR. SCHAR: Actually I --

23 THE COURT: I want to read it again, I want
24 to read it again. I'm not certain, so let me read
25 it again.

1 which transcript?

2 MR. SCHAR: We're just going to play the next
3 portion, which is probably less than a minute,
4 but --

:02AM

5 MR. GOLDSTEIN: Our Tab 5, Your Honor.

6 THE COURT: It's your Tab 5?

7 MR. GOLDSTEIN: Correct.

:02AM

8 MR. SCHAR: Right. It's their Tab 5, it's a
9 portion of it, we want to play the next portion of
10 it that literally picks up at the end. I can give
11 you a copy of the transcript that we would provide
12 to the jury.

13 THE COURT: That's even better.
14 Okay? Anything else?

:02AM

15 MR. GOLDSTEIN: No, your Honor.

16 THE COURT: I'll see as soon as their done
17 with their repairs.

18 (The following proceedings were had out of
19 the presence of the jury in open court:)

20 THE COURT: You can call them in.

21 (Brief pause.)

22 THE MARSHAL: All rise.

23

24

:16AM

25

1 (The following proceedings were had in the
2 presence of the jury in open court:)

3 THE COURT: Please be seated.

4 Do you understand you're still under oath?

5 THE WITNESS: Yes, Judge.

6 MR. SCHAR: Thanks, Judge.

7 ROD BLAGOJEVICH, DEFENDANT, PREVIOUSLY SWORN

8 CROSS EXAMINATION (resumed)

9 BY MR. SCHAR:

10 q Mr. Blagojevich, when we stopped on Friday I
11 asked you some questions about December 8th, and in
12 your Transcript Binder you played a portion of a
13 call from December 8th behind tab 5, correct?

14 A Yes.

15 q And I believe at the end of your direct
16 examination, after you played just that call, you
17 were asked by Mr. Goldstein what did you understand
18 would be the next steps regarding the Lisa Madigan
19 deal, and did you respond:

20 "I went to bed that night thinking I was a
21 day or two away from beginning to make
22 that Lisa Madigan deal happen, I believed
23 everything was lined up, I had the
24 President's chief of staff likely going to
25 help, Harry Reid and Senator Menendez and

1 Senator Durbin had offered to help, I
2 could engage and enlist them all, so the
3 leading democrats in the Senate and the
4 President's Chief of Staff converging and
5 descending on Mike Madigan here in
6 Illinois offering, frankly, the gift of
7 making your daughter a senator, pass the
8 job's bill healthcare, don't raise taxes
9 on people, I felt I was a day or two away
10 from that."

11 Was that your answer?

12 A Yes.

13 MR. GOLDSTEIN: Objection, Your Honor.

14 BY THE WITNESS:

15 A I felt that was a day or two away from the
16 beginning of making that happen.

17 MR. SCHAR: And, Judge, at this point, I
18 believe when we broke we would ask to play the next
19 session of the phone call.

20 THE COURT: Based on prior discussions, leave
21 is granted.

22 MR. SCHAR: Thank you, Judge.

23 I believe we do have transcripts for the
24 jurors.

25 I'll give them to the court security officer.

1 I'm handing Government Exhibit CX 167823.

2 May I approach, Your Honor?

3 THE COURT: Yes.

4 BY THE WITNESS:

5 A Thank you.

6 (Brief pause).

7 BY MR. SCHAR:

8 Q Before we play it, Mr. Wyma, if you look at

9 Page 2 of the transcript at line 8, I believe your

10 transcript ended at "just quietly do it," is that

11 right?

12 A I'm looking at line 8?

13 Q Correct.

14 A That's right, just quietly do," so Fred called me

15 this evening.

16 Q Right. And the transcript you played for the

17 jury ended at "just quietly do it," is that right?

18 A Is that right? Okay.

19 Q Would you like to see your Transcript Binder?

20 A No, I accept that.

21 MR. SCHAR: Judge, at this point we would

22 like to play the tape.

23 THE COURT: Leave is granted.

24 (Tape played).

25 BY MR. SCHAR:

1 q Mr. Blagojevich, I want to switch topics with you
2 and talk to you about --

3 A Can I explain that? would it be --

4 THE COURT: No, don't. Let your lawyers --

5 THE WITNESS: I understand.

6 BY MR. SCHAR:

7 q You took an oath of office in 2003 and 2007,
8 correct?

9 A Yes.

10 q And, among other things, you stated when you took
11 the oath that you would support the Constitution of
12 the United States, correct?

13 A Yes.

14 q And according to you, I believe you said in the
15 past, the constitution is sacred, correct?

16 A I believe the constitution is the law of the
17 land, yes.

18 q You would do everything in your power, according
19 to you, to support that constitution, wouldn't you?

20 A I believe the constitution is the law of the
21 land. I'm not quite sure I understand your
22 question.

23 q On direct examination you said that when you took
24 that oath, it meant, I think the word you used, was
25 that obviously you had to follow the constitution.

1 A That's certainly my belief and understanding,
2 yes.

3 Q And according to you, breaking the constitution
4 is something that would not even cross your mind?

5 A I wouldn't knowingly violate the law, whether
6 it's written in the constitution or whether it's in
7 the statutes of the state.

8 Q Now, at one point during this time frame, early
9 November, you learned that Rahm Emanuel was going to
10 become President Obama's chief of staff, correct?

11 A Yes.

12 Q And that meant that Mr. Emanuel would be giving
13 up his congressional seat. He was a congressman,
14 correct?

15 A Yes.

16 Q And as you knew, when a congressman gives up a
17 congressional seat, a special election is held so
18 voters can vote to fill that seat, correct?

19 A That was my previous experience, I did know -- I
20 did know that that was certainly part of it.

21 Q Candidates run in a special election, right?

22 A Right.

23 Q And the people then vote in the special election
24 to choose who the new congressman will be for that
25 congressional seat, right?

1 A Yes.

2 q Now, at a certain point, again in this November
3 time frame, you had a conversation with Mr. Emanuel,
4 correct?

5 A Yes.

6 MR. GOLDSTEIN: Objection; relevance, Your
7 Honor, to this line of questioning.

8 MR. SCHAR: Judge --

9 (Brief pause.)

10 THE COURT: It's overruled.

11 BY MR. SCHAR:

12 q And then Congressman Emanuel raised the issue
13 with you of naming an interim replacement to fill
14 his seat until a special election was held, correct?

15 A Yes, he did.

16 q And, of course, if, in fact, you could have named
17 someone to fill the seat until the special election,
18 that would've been an advantage for whoever filled
19 the seat, correct?

20 A I'm sorry. I think -- can you just ask that
21 again?

22 q Sure. If you don't understand any question, just
23 let me know.

24 A Okay.

25 q If you could have filled the seat, that would

1 have given an advantage to the person who actually
2 took over before the special election was held,
3 correct?

4 A That's correct.

5 q The person would have a leg up in running, they'd
6 have name recollection, and things of that sort,
7 right?

8 A Yes; this is what Congressman Emanuel was asking
9 me to consider doing, yes.

10 q And you talked about Bill Quinlan on your direct
11 examination, correct?

12 A Yes.

13 q And Bill Quinlan indicated to you that, in fact,
14 you could not name a replacement to do this,
15 correct?

16 MR. GOLDSTEIN: Objection; relevance.

17 THE COURT: Overruled.

18 BY THE WITNESS:

19 A I indicated to Congressman Emanuel I didn't think
20 I had the power, I then called Bill Quinlan.

21 q And Bill Quinlan indicated to you, in fact, you
22 did not have the power to do that, correct?

23 A Bill Quinlan agreed that his preliminary
24 observation was, he agreed with me, I did not have
25 the power to do that, that's correct.

1 q Now, on November 10th, you talked to Fred Yang
2 about this situation of naming a replacement
3 congressman, correct?

4 A I'm sure I did.

5 q And in that conversation, Mr. Yang also indicated
6 to you that naming a replacement would violate the
7 constitution, correct?

8 A He agreed with my original assessment, Bill
9 Quinlan's assessment, that I did not have the
10 constitutional authority to do it. Congressman
11 Emanuel said his lawyers were finding legal ways,
12 creative ways, to perhaps address that, and that's
13 what these discussions were.

14 q So the answer to my question is yes, Mr. Yang
15 told you that what you wanted to do or what you
16 talked about doing would violate the constitution,
17 correct?

18 A I think he said something like that. I didn't
19 disagree, I don't think.

20 q What he said was, right, he wants you to break
21 the Constitution of the United States, is that what
22 Mr. Yang said?

23 A Yes.

24 q And, sir, the very next thing you said was,
25 "right, that's a favor worth doing, though," isn't

1 it?

2 A That's what I said.

3 q And then Mr. Yang told you that what you were
4 thinking of doing probably wasn't legal?

:28AM

5 A I agreed with him. I didn't think I had the
6 power to do it either.

7 q The answer to my question is yes?

8 A Yes.

:28AM

9 q And your response, when Mr. Yang says "it's
10 probably not legal," was that by the time anybody
11 sued to stop you, they would be off on their special
12 election, isn't that what you said?

13 A Yes.

:28AM

14 q I want to switch over to another topic related to
15 the Senate seat.

16 On November 6th of 2008, you met with Tom
17 Balanoff, correct?

18 A Yes.

:29AM

19 q And just so I understand it, is it your testimony
20 that during the meeting with Mr. Balanoff you did
21 not indicate that you were willing to name Valerie
22 Jarrett a senator in exchange for a position as a
23 Secretary of the Department of Health and Human
24 Services?

:29AM

25 MR. GOLDSTEIN: Objection, Your Honor.

1 THE COURT: Overruled.

2 BY THE WITNESS:

3 A It's my testimony that I asked Tom Balanoff what
4 he thought of the idea. He didn't think much of it.
5 And that's what -- what the conversation was. I did
6 not tell him I would -- I made a decision, I did not
7 promise that I would do it, and I didn't say I would
8 do one in exchange for the other.

9 In fact, he told me he didn't have any
10 authority to even discuss this, that I was supposed
11 to talk to David Axelrod if I wanted to find out
12 what the Obama administration wanted to do regarding
13 Valerie Jarrett.

14 Q Mr. Balanoff said that to you on that meeting?

15 A On the November 3rd he and Andy Stern --

16 Q I'm not talking about November 3rd, I'm talking
17 about November the 6th.

18 A In my mind on November the 6th was a very clear
19 understanding that we're not for President Obama,
20 that's what they told me, you should talk to David
21 Axelrod if you want to know what President Obama or
22 they wanted to do with the Senate seat or Valerie
23 Jarrett.

24 Q Let's go back to the question I asked you.

25 A Okay.

1 q Did you indicate in that meeting, yes or no, that
2 you would name Valerie Jarrett the senator in
3 exchange for the Department of Secretary of Health
4 and Human Services position?

:30AM

5 A I never told him I would make her a senator in
6 exchange for Health and Human Services. I asked him
7 what he thought about the idea.

8 q The idea of trading or simply the idea of you
9 being the Secretary of HHS?

:30AM

10 A Of me being the Secretary of Health and Human
11 Services.

12 q Not --

13 A We did discuss it in the context of Valerie
14 Jarrett, but I never told him I made the decision,
15 I'm going to do one in exchange for the other.

:30AM

16 q I'm not asking whether you made a decision, I'm
17 asking whether or not you indicated you would make
18 that trade in that meeting?

19 A When you say "indicated" what does that mean?

:31AM

20 q Did you offer, did you suggest in any way that
21 you would trade Valerie Jarrett as a senator for
22 HHS?

23 A I did not offer to do that.

24 MR. GOLDSTEIN: Objection.

:31AM

25 THE COURT: The objection is overruled. The

1 answer may stand.

2 BY MR. SCHAR:

3 q I'm going to take you back and I want to focus
4 you on the week of November 3rd through
5 November 10th.

6 MR. SCHAR: We're going to go in the binder
7 for a bit, Judge, and may I approach the defendant?

8 THE COURT: Sure.

9 BY MR. SCHAR:

10 q I'm handing you Transcript Binder.

11 BY THE WITNESS:

12 A Mr. Schar, what tab was it?

13 BY MR. SCHAR:

14 q We're going to start with tab 7.

15 And at tab 7, page 1, sir, this is a call on
16 November 3rd, at 8:35 in the morning between you and
17 Mr. Harris, correct?

18 A Yes.

19 q And over on Page 2, at lines 21 through 30,
20 Mr. Harris indicates to you, sir, that then senator,
21 soon to be President-Elect Obama, Rahm Emanuel, has
22 an interest in a particular for potential
23 replacement and that's Valerie Jarrett, correct?

24 A Yes.

25 q And it's someone who is very close to him, right?

1 A Yes.

2 q And your immediate response is, "okay, now we
3 should get something for that, couldn't I"?

4 A Yes.

:33AM

5 q And the "that," sir, was naming Valerie Jarrett,
6 correct?

7 A Potentially, yes.

:33AM

8 q Over on Page 3, at lines 4 through 5, you say
9 "how about Health and Human Services, can I get
10 that?" Correct?

11 A Yes.

12 q You did not ask here, sir -- well, you wanted a
13 position for yourself, correct?

14 A I asked the question, yes.

:33AM

15 q You did not ask what you could get for the people
16 of Illinois, did you?

17 A well, I --

18 q Yes or no.

19 A Not exactly there, no.

:33AM

20 q You did not put together a list of things for the
21 people of Illinois that you might get in exchange
22 for Valerie Jarrett, did you?

23 A Not at that particular moment at that particular
24 time at that particular two seconds, I did not.

:34AM

25 q You put together, I think, sometime in later

1 November, an entire list related to what you
2 referred to as a Lisa Madigan proposal, correct?

3 A We put together a list on November the 1st, Bob
4 Greenlee and I, about the Lisa Madigan proposal,
5 what I was looking for, that was the first list that
6 we started working on in writing.

7 q Did you not put together a list of things that
8 you might ask in terms of federal funding, for
9 instance, to help the people of Illinois in relation
10 to Valerie Jarrett? Yes or no, sir.

11 A Bob Greenlee spoke about that that very morning.

12 q Yes or no, sir.

13 A We talked about money from the federal
14 government. The answer is yes, I did, we talked
15 about it.

16 q And you put together a list of things that you
17 wanted in exchange for Valerie Jarrett, not the
18 people of Illinois?

19 A We discussed things --

20 q Yes or no, sir.

21 A Not unless we discussed it.

22 q So you knew that there were things that you could
23 get for the people of Illinois in relation to
24 Valerie Jarrett? Yes or no.

25 A I believe I was -- that was a very real

1 possibility or I was hopeful that that was a
2 possibility. That was among the many options I was
3 exploring, yes.

4 q But here you are discussing a job for yourself,
5 correct?

6 A Well, I am discussing the possibility of Health
7 and Human Services where I could play a role in
8 healthcare which would help the people of Illinois
9 and across America, and I felt I had the bona fide
10 record of accomplishment that made me qualified for
11 that position.

12 q So the answer is yes?

13 A Yes.

14 q The fact is, sir, you thought you were stuck in
15 your job as governor, did you?

16 A I certainly had several moments when I felt that
17 way, yes.

18 q And I think you articulated that you felt
19 everyone was passing you by, right?

20 A I had those feelings and thoughts from time to
21 time, yes.

22 q And you told Mr. Harris you wanted to get the f'
23 out of Illinois, right?

24 A I told him, I made have told other people that
25 from time to time, yes.

1 q And your objective is, as you explained to
2 Mr. Harris, was to get a good job outside of
3 Illinois, correct?

4 A Yes, I think I said that in that call.

5 q Of course, if you didn't want to be governor
6 anymore, you could've resigned, right?

7 A I could've, yes.

8 q Nobody was forcing you to stay on as governor,
9 correct?

10 A Correct.

11 q Now, on November 6th, you met with Tom Balanoff,
12 correct?

13 A Yes. He asked for a meeting and I met with him
14 yes.

15 q Prior to that meeting, you rehearsed with
16 Mr. Harris what you were going to say in that
17 meeting, didn't you?

18 A Yes. I asked him a lot of questions what he
19 thought I should or shouldn't say. How to approach
20 the meeting, yes.

21 q He talked about what you could say and you talked
22 about what you could say, correct?

23 A Yes.

24 q And, in fact, you had that meeting on November
25 6th, correct?

1 A Yes.

2 Q In your office, right?

3 A Right.

4 Q And during the meeting you went through some of
5 the statements that you had rehearsed with Mr.

6 Harris, correct?

7 A Yes.

8 Q And you expected -- and you raised HHS, right?

9 A Yes.

10 Q And you expected Tom Balanoff to pass your
11 request on to the president's elect people, didn't
12 you?

13 A I wasn't sure whether he would or wouldn't. I
14 thought there's a good possibility of it because
15 when you say things like that, there are no secrets
16 in politics. I felt he would do that with the
17 Madigan deal as well, which I purposely brought up
18 with him, the Emil Jones dynamic as well, the
19 possibility of me. So I felt whatever I told Tom
20 Balanoff, yes, it would get out there.

21 Q You believed he was the messenger back to
22 President-Elect, didn't you?

23 A I believed he was an emissary between two
24 friends, both President Obama and me, but as he and
25 Andy Stern said, they weren't speaking for them, I

1 needed to David Axelrod if I wanted to discuss, you
2 know, who had the authority to do something in
3 regard to this.

4 I saw him as a feeler, I felt this was the
5 probing period, which is very common in politics.

6 q Sir, you describe him as the channel of
7 communications that had been opened to you, didn't
8 you?

9 A Yes.

10 q So he was the channel in which you were sending
11 back and getting messages in relation to the
12 President-Elect?

13 A During the probing period, yes.

14 q Sir, isn't it a fact that in that meeting you
15 made clear that if you received the HHS position,
16 you, in fact, would exercise your power sending
17 Valerie Jarrett to the Senate seat?

18 A I never said that to Tom Balanoff that way. I
19 discussed that with some of my staff and with Patti
20 afterwards, but I never said it exactly to him that
21 way. I think --

22 q Well, whether you said it exactly, I will do X
23 for Y, what you were communicating and what you
24 meant to communicate was that you would trade the
25 Senate seat for a position at HHS, correct?

1 MR. GOLDSTEIN: Objection, Your Honor. Are
2 these the exact words?

3 MR. SCHAR: Not these exact words, no.

4 THE COURT: No.

5 MR. GOLDSTEIN: Objection.

6 THE WITNESS: No.

7 THE COURT: The objection is overruled.

8 BY THE WITNESS:

9 A No.

10 BY MR. SCHAR:

11 q Your answer is no?

12 A Your exact words, you're saying I said those
13 things? I did not say those things.

14 q Not my question. My question is, isn't it a fact
15 you communicated that you would trade the Senate
16 seat to Valerie Jarrett for HHS?

17 A No.

18 q I want to take you to tab 25, on Page 1.

19 Mr. Wyma, this is a call on the afternoon of
20 November 7th, correct?

21 A Yes.

22 q After your meeting with Tom Balanoff?

23 A Yes.

24 q Let's go to Page 4.

25 And in this call with Mr. Harris and Mr.

1 Yang, you describe your conversation with
2 Mr. Balanoff, correct?

3 A Can you show me where that is? It's --
4 Yes. Yes.

5 q This whole beginning part is a discussion --

6 A Yes.

7 q -- of your meeting with Mr. Balanoff, correct?

8 A Yes.

9 q And at line 17, on Page 4, you say:

10 "So i threw out, so I said to him, you
11 know, I told him, ah, health, Department
12 of Health and Human Services."

13 Correct?

14 A Right, I threw it out, that's right. Put the
15 idea out, floated it out there, that's right.

16 q Are those the words you said?

17 A Something along those lines.

18 q I'm asking in this call, are those the words you
19 said?

20 A Are these the words I said to Fred Yang? Yes.

21 q Yes.

22 And you went on at line 22 to discuss Tommy
23 Thompson, correct?

24 A Right.

25 q And at line 32, Barbara Heckler, correct?

1 A Correct.

2 q You went on on Page 5, at line 2, to describe
3 your record on healthcare?

4 A Yes.

5 q And at line 10 what you said was:

6 "And if I get that, and if that's something
7 that was available to me, maybe it's
8 really unrealistic, but if that was
9 available to me, I could do Valerie
10 Jarrett in a heartbeat."

11 Were those your words that day with Mr.
12 Yang?

13 A Not to Tom Balanoff but that day to Fred Yang
14 that's what I said.

15 q Okay. Let's go to Page 7.

16 Now, you're discussing with Mr. Yang and Mr.
17 Harris, you're no longer discussing specifically
18 what was said in your meeting with Mr. Balanoff,
19 correct? You've moved on?

20 A Okay. Yes.

21 q At Page 7, line 23, did you say these words:

22 "She now knows that they can be a U.S.
23 Senator if I get, ah, Health and Human
24 Services."

25 A Yes, I said that there.

1 q I want to go back to tab 22.

2 This is also a call on November 7th, 2008,
3 correct?

4 A Yes.

5 q The day after your meeting with Mr. Balanoff?

6 A Yes.

7 q At 11:06 a.m., correct?

8 A Yes.

9 q At the bottom of Page 1, you are talking to
10 Mr. Scofield in this call, correct?

11 A Yes.

12 q You say, line 23:

13 "She wants it, she's that, in the
14 transition. They're starting to put,
15 figure out candidate positions. Now she
16 ought, I assume Balanoff mentioned this
17 Health and Human Services." Line 4 you
18 say:

19 "He mentioned Health and Human Services,
20 right?"

21 Line 7 you say:

22 "Yeah, sure."

23 Line 9 you say:

24 "Of course, of course he did. So now she's
25 there and they're sorting out candidate

1 positions. If you are her and you really
2 want to be a U.S. Senator and you've been
3 told you can be that if he gets this."

4 were those your words to Mr. Scofield that
5 day?

6 A Yes.

7 Q Turn in the same tab to Page 8.

8 I believe Mr. Goldstein asked you a couple of
9 questions about a portion of this call, including
10 this, line 1:

11 "She's picking cabinet positions and she
12 wants it in her power -- she has it in her
13 power, well not her power, she has a
14 tremendous amount of influence on those,
15 some of those decision, you agree with
16 that."

17 You continue at line 7:

18 "So she's holding Health and Human Services
19 and I'm holding a U.S. Senate seat, okay.
20 She's holding hers with two hands, just
21 kinda clinging to, you know, little pieces
22 of it. Me, I've got the whole thing
23 wrapped around my arms, mine, okay."

24 Those were your words, correct?

25 A Yes.

1 q And you said, I believe on direct, that you
2 weren't really sure what you were saying, it was
3 just a literally reference, correct?

4 A Yeah, I mean I --

5 q The answer is yes?

6 A It was a clumsy way of trying to be literary,
7 that is what I was trying to say there.

8 q Well, let's keep reading.

9 on line 14--and I don't think you were asked
10 about this--what you said was:

11 "I'm willing to trade the thing I got
12 tightly held to her for something she
13 doesn't hold quite as tightly. How bad do
14 you want what I have, and you get the
15 other person who's really got, you know,
16 who's had that to do it." Those were your
17 words, correct?

18 A Yes.

19 q You're the one who used the word "trade,"
20 correct, Mr. Wyma?

21 A This is what I'm saying to Doug Scofield at that
22 time, yes, I said those things.

23 q And, in fact, even weeks later, on November 22nd,
24 what you told Mr. Wyma in a call was:

25 "I sent Balanoff back and said, 'look, I'd

1 be happy to take her, I want to be
2 Secretary of Health and Human Services.'"
3 Didn't you say that on the November 22nd to
4 John Wyma?

5 A Can I see something? I'm not going to say I
6 didn't, but -- if I could just see something.
7 (Brief pause).

8 BY MR. SCHAR:

9 Q I'm going to show the defendant what's marked
10 Government Exhibit CX 0954 TR.

11 I'm going to refer you, sir, to Page 5, lines
12 15 to 18, ask you if that refreshes your
13 recollection.

14 A Thank you.

15 Q You're welcome.

16 (Brief pause).

17 BY THE WITNESS:

18 A Yes.

19 BY MR. SCHAR:

20 Q What you said to Mr. Wyma was:

21 "I, I sent Balanoff back and said, 'look,
22 I'd be happy to take her, I want to be
23 Secretary of Health and Human Services'"
24 You said that, correct?

25 A Uh-huh. Yes.

1 q And, sir, if you could have gotten that position
2 of HHS, you would've named Valerie Jarrett a senator
3 in a heartbeat, wouldn't you?

4 A I'm not sure what I would've done. I think I
5 would've probably taken that --

6 q well, let's go back --

7 A -- and then I wouldn't seen how it worked with
8 the Madigan deal or Emil Jones and there would have
9 been a bunch of leverage going on before I
10 ultimately made a final decision.

11 q Sir, isn't it a fact that during the first
12 10 days, the early part of November, Lisa Madigan
13 was, to use your term, a stalking horse in order to
14 get what you could out of President Obama?

15 A No, that is not true. The President-Elect sent
16 people to me.

17 q Is the answer yes or no?

18 A She was always in my mind as a potential real
19 option, and all of them were stalking horses, one
20 against the other.

21 This was the whole idea of doing the
22 political leverage to try to get the best result
23 that I could possibly get that ultimately would be
24 the right one after full discussions with everybody
25 who were talking to me and encouraging me to do it.

1 q The answer to my question is no?

2 A She was more than a stalking horse. She was a
3 stalking horse, so were the others, but she was more
4 than that.

: 4 9AM

5 q Well, on November 10th you had a conversation
6 with Mr. Knapp and several other people and didn't
7 Mr. Knapp say this to you and didn't you say this to
8 Mr. Knapp:

: 4 9AM

9 One of the major items under CNN.com is
10 Obama wants Jarrett, you know, it's like
11 that's the story line. So the truth is,
12 you don't have to do anything, but you
13 should want to appoint Jarrett unless
14 there is an overwhelming self-interest
15 that has you appointing someone else. So
16 the great thing about the Madigan thing is
17 you can use that as a stalking horse to
18 try to get as much as you can out of
19 Obama." And your response was:

: 4 9AM

: 4 9AM

20 "Well, that's right, that's what we're
21 doing." Yes or no, is that --

: 5 0AM

22 A Well, I said that -- that was my answer at that
23 time on a conference call with seven different
24 people who were top-notch political advisors, that
25 was what Bill Knapp suggested at that time.

1 q So the answer to my the question is yes?

2 A Yes.

3 q I'm going to take you again to tab 25.

4 Again, Page 4 you discuss, at line 16 through
5 20:

6 "You know, I told him Department of Health
7 and Human Services."

8 And over on line page 5, lines 10 through
9 14 don't you say:

10 "That was something available to me and
11 maybe it's really unrealistic, but if that
12 was available to me, I could do Valerie
13 Jarrett in a heartbeat."

14 MR. GOLDSTEIN: Objection; asked and
15 answered.

16 THE COURT: Overruled.

17 BY THE WITNESS:

18 A I said that there, yes. It's really unrealistic
19 but if that was available to me, I did say to Fred
20 Yang in this call Valerie Jarrett in a heartbeat.
21 Whether I would do it or not, I don't know.

22 q Unrealistic, sir, you made a career out of taking
23 long shots, haven't you?

24 You applied to Harvard, right?

25 A Yes.

1 q And if you'd gotten in, you would've gone,
2 wouldn't you?

3 A I don't know. It's a good question. I don't
4 know. I was never even close to being able to make
5 that decision.

6 q You took a shot at becoming a state legislator
7 even though the odds were against you and you won,
8 didn't you?

9 A Yes.

10 q And I think even you stated on direct you were a
11 long shot gubernatorial candidate, you didn't have
12 much of a chance, you took your shot and you won
13 that as well, correct?

14 A Yes.

15 Don't get me wrong --

16 q Tab 18 --

17 A I'm sorry.

18 q Tab 18, sir, is a call with John Harris at
19 9:25 a.m. on November 6th, correct?

20 A Yes.

21 q Prior to meeting with Mr. Balanoff, right?

22 A Yes.

23 q Page 10, please.

24 At line 6 you say:

25 "Do we ask, at some point do we have

1 someone go to Valerie Jarrett and say if
2 the governor got HHS, he'd appoint you in
3 a second."

4 Did you use those words?

5 A Yes.

6 Q And did --

7 A And I say I'm not saying that now, I'm saying
8 just saying -- I'm sorry. I'm sorry.

9 Q And the fact of the matter is, Mr. Blagojevich,
10 if you weren't getting your position at HHS, at this
11 point Valerie Jarrett wasn't getting that Senate
12 seat, was she?

13 A No, that's not true at all.

14 Q All right, I want to take you to tab 25 again.

15 And this is the morning after your -- sorry,
16 the afternoon, of November 7th after your meeting
17 with Mr. Balanoff?

18 A Yes.

19 Q Page 8, please, line 25, in relation to your
20 request for HHS Mr. Yang says:

21 "So they're gonna say no, I got to think.

22 You say:

23 "No question."

24 Mr. Yang then says:

25 "So then what happens, guys? I mean,

1 you're not going to appoint her, right?"

2 You say:

3 "Let's talk about it. I don't see it."

4 MR. GOLDSTEIN: Objection; it's
5 non-impeaching. He is talking about yesterday and
6 now it's a different day on November 7th.

7 THE COURT: The jury can decide whether it's
8 impeaching. The objection is overruled.

9 BY MR. SCHAR:

10 q Weren't those your words, Mr. Blagojevich?

11 A Right, "let's talk about it, I don't see it,"
12 that was the answer at that particular time. I
13 wasn't sure.

14 q Sir, you made your request for HHS and then you
15 waited to hear back, correct?

16 A Well, Tom Balanoff said no chance, and I knew
17 there was no chance, I knew it even before I raised
18 it with him, I knew it after.

19 q And the answer you got back that you weren't
20 pleased with is the president would be thankful and
21 appreciative for Valerie Jarrett, correct?

22 A No, the answer I got back was, would they be
23 willing to make Lisa Madigan a deputy attorney
24 general if I pointed Valerie Jarrett in exchange for
25 Valerie Jarrett, that was the answer I got back from

1 the people at SEIU.

2 q Let's look at tab 28.

3 This is the call on November 11th between you
4 and Mr. Harris in the morning at Page 1, correct?

5 A Yes.

6 q Go to Page 4, at line 14 you say:

7 "well, okay, so we know he wants her.

8 They're not willing to give me anything
9 except appreciation, f' them."

10 Those were your words, correct?

11 A Those were my words, yes.

12 q In fact, you thought and articulated that
13 President-Elect and his people were arrogant for not
14 giving you what you wanted, correct?

15 A I may have said something like that.

16 q well, on November 10th, didn't you say to
17 Mr. Scofield:

18 "I mean, I'll do Valerie Jarrett, I just
19 don't, if they, if they feel like they can
20 do this, and not f'ing give me anything
21 just some vague assurances or something,
22 then I'll f'ing go Jesse Jr., I mean the
23 arrogance of these people."

24 Didn't you say that, sir?

25 A Can I -- you won't let me fully explain that,

1 will you?

2 Q My question is, did you say that?

3 A I said that.

4 And I asked whether President Obama --

5 Q You talked about --

6 A Would call --

7 THE COURT: Wait. Stop.

8 He didn't ask you to explain it, he asked you
9 whether you said it. Simple question.

10 THE WITNESS: I understand, Judge.

11 BY MR. SCHAR:

12 Q You talked about getting HHS, correct?

13 A When? Several times.

14 Q You rehearsed how to ask for it, correct, with
15 Mr. Harris?

16 A I was asking for advise.

17 Q You met with Tom Balanoff on November --

18 A He asked for the meeting. He came to me.

19 Q And in the meeting you asked for HHS, correct?

20 A I asked him what he thought of the idea.

21 Q And according to you, you thought it was a dead
22 issue as soon as you asked for it, is that your
23 testimony?

24 A The answer is, I thought it was a highly dead
25 issue before I asked for it, yes. I didn't feel

1 there was much of a chance for that.

2 q Go back to tab 25.

3 This is in the afternoon after your meeting
4 with Mr. Balanoff, correct?

5 A Yes.

6 q Page 7, beginning at line 13, I believe:

7 "I believe what you're say, I'm guessing
8 what, what is, the long and short of it
9 is, I'm actually kind of encouraged. I
10 made it clear very obviously he wants
11 her."

12 Line 18:

13 "How bad he wants her, you know, remains to
14 be seen, but I think he really wants her.
15 She's part of the top three transition
16 team, right? She now knows she can be a
17 U.S. Senator if I can get Health and Human
18 Services."

19 Didn't you say that?

20 A Yes.

21 q Tab 21, please.

22 The fact is, sir, you actually thought they
23 might give you HHS, didn't you?

24 A I actually should answer your question honestly,
25 I have to say honestly, it's like --

1 (Sneezing.)

2 THE WITNESS: God bless you.

3 I had little to no chance, and I knew it as I
4 was talking about this, I was trying to think that
5 maybe, who knows, you might have a shot, but I deep
6 down felt it was almost --

7 q Tab 21 is a call again the morning after your
8 meeting with Mr. Balanoff, correct? At 10:46?

9 A Yes.

10 q And you and Mr. Harris were on the phone
11 primarily, correct?

12 A Yes.

13 q Why don't you go to page 11, at line 20, you say:
14 "I'm telling you, this is good, John. They
15 didn't say no. They didn't say no, maybe
16 again, look, Balanoff probably got to be
17 the messenger to tell me that."

18 Isn't that what you said?

19 A Yeah. I'm a Cubs fan, I'm keeping hope alive.

20 q Tab 22, sir, again the morning after your meeting
21 with Mr. Balanoff, correct?

22 A Yes.

23 q You and Mr. Scofield on the phone, correct?

24 A Yes.

25 q Page 1, line 15:

1 "well, I tell you something, I think this
2 is good. You know, a highly unlikely
3 prospect is a little likelier, a tiny bit
4 likelier, that's how I'm reading this."

5 Isn't that what you said?

6 A Yes.

7 Q In relation to HHS, correct?

8 A Yes.

9 Q Page 7 of the same tab, sir, line 16:

10 "well he ..." Mr. Balanoff "... didn't say
11 it was ludicrous, they didn't say no way."

12 Aren't those your words on the day after
13 that meeting?

14 A Those were my words and those were not Tom
15 Balanoff's words, that's right. He didn't say
16 either one those things, "ludicrous" or "no way"
17 that wasn't his answer. He said it's not gonna
18 happen.

19 Q My question, sir, is, were those your words?

20 A Yes.

21 Q And the answer to my question is yes?

22 A Yes.

23 Q I want to keep you in the first week of November.

24 At the same time, sir, that you were working
25 on HHS, you were considering other options in

1 relation to the Senate seat if HHS did not work out?
2 Yes or no.

3 A The last part of your question is not accurate,
4 "if HHS didn't work out." So --

:02AM

5 q Well, you were considering --

6 Let me ask it this way --

7 A Okay.

8 q -- more to the point: You were considering other
9 jobs for yourself at this time, weren't you?

:02AM

10 A Discussed those, yes.

11 q And one of the things you were considering -- and
12 these were in relation to the Senate seat, weren't
13 they?

14 A Yes.

:02AM

15 q One of the things you were considering trading
16 the Senate seat for was a well-paying private sector
17 job at a foundation, correct?

18 A Yes.

:03AM

19 q In fact, you directed John Harris to immediately
20 start doing research on private foundations where
21 you might get a job in exchange for the Senate seat,
22 correct?

23 A I asked him to do that, yes.

24 q You told him to do it right away?

:03AM

25 A Yes.

1 q And what you wanted to know was how much you
2 would get paid, correct?

3 A That was among the questions, yes.

4 q You also directed Mr. Greenlee to research
5 private sector foundation jobs you might be able to
6 trade in relation to the Senate seat, correct?

7 A I -- I asked him to look into that, yes.

8 q Again, you made clear to Mr. Greenlee what you
9 cared about was how much money they paid, correct?

10 A That was one of -- among the questions I was
11 interested in, yes.

12 q Why don't we go to tab 17.

13 This is a call on November 5th between you
14 and Mr. Greenlee, 12:21, correct?

15 A Yes.

16 q You say:

17 "Hey."

18 Mr. Greenlee says:

19 "Hey, what's going on?"

20 You say:

21 "What's going on with you?"

22 Mr. Greenlee says:

23 "Continuing to do research."

24 At line 5 you say:

25 "What you find out about Families U.S.A.?"

1 Mr. Greenlee says:

2 "So it's founded by two guys, one was an
3 entrepreneur."

4 You say:

5 "No, how much does the guy make."

6 Were those your words?

7 A Yes.

8 Q And, in fact, Mr. Blagojevich, you suggested that
9 it might be possible for President Obama to find a
10 way to remove the current head of Families U.S.A.
11 and give that job to you in exchange for the Senate
12 seat, correct?

13 A I asked that question or raised the issue, yes.

14 Q And you were interested in taking one of these
15 jobs right away if you could get it, weren't you?

16 A No.

17 Q Let's go to tab 15.

18 This is a call on November 5th, 9:15 in the
19 morning between you, Mr. Harris, Mr. Greenlee,
20 according to the transcript, correct?

21 A Yes.

22 Q At Page 2, you're talking in this call about
23 private foundation jobs you might be able to get in
24 relation to the Senate seat, correct?

25 A Yes.

1 q And Mr. Greenlee at line 19 says:

2 "Yeah, no, I'll do all the research myself
3 on this one. Gotta have some names, the
4 other, ah, this is for when, 2010 or now?"

5 Line 25 you say "now." Correct?

6 A "Now" meaning in this period, not necessarily
7 right away. But that's why I say, to look into it
8 on whether this is something we might want to
9 consider doing now.

10 q The word you said was "now."

11 A But it wasn't that day, that was not what I was
12 saying. Something to consider, whether this is
13 something I could do now during this period.

14 q Now, another option you were considering trading
15 the Senate seat for was a job at Change To Win,
16 correct?

17 A Yes, that was John Harris' suggestion, yes.

18 q Right; a job for you. It wasn't a job for John
19 Harris, it was a job for you?

20 A That's right, yes.

21 we talked about publicly having a press
22 conference to do that.

23 I'm sorry, you're right. You're right.

24 q I haven't said anything.

25 Now, again, this was not a job for the people

1 of Illinois, correct? It was a job for you?

2 A That's correct.

3 q In fact, it would a job that would be created
4 just for you, correct?

:07AM

5 A That was the idea that was discussed, yes.

6 q And you wanted to make sure that if this job was
7 created for you, it paid enough to make you happy,
8 correct?

:07AM

9 A It was -- that was a consideration to look into,
10 yes.

11 q Well, I believe what you said was, for me to give
12 up governor, it have to pay a lot more than what I'm
13 getting paid now, correct?

14 A Yes.

:07AM

15 q And I believe you wanted a salary around a
16 million to 3 quarters of a million dollars a year,
17 correct?

18 A There was discussions of that, yes.

:07AM

19 q In fact, I believe you indicated that in relation
20 to the Senate seat, you figured President Obama
21 could just put some cash in the Change To Win so you
22 could get the salary you wanted, correct?

23 A We talked about an idea like that, yes.

:08AM

24 MR. SCHAR: If I could have one moment,
25 Judge.

1 (Brief pause).

2 BY MR. SCHAR:

3 Q Back at tab 25 for a moment, Mr. Blagojevich.

4 Again, this is a call with you and Mr. Yang
5 and Mr. Harris on November 7th.

6 I believe you indicated in your testimony
7 that you thought you had to go through Mr. Axelrod
8 to discuss the Senate seat with the president, is
9 that right?

10 A Yes, it was indicated to me by Tom Balanoff and
11 Andy Stern on the 3rd of November --

12 Q The question was, is it your testimony you
13 thought you had to go through Mr. Balanoff -- or
14 through Mr. Axelrod?

15 A He was suggested to me by Balanoff and Andy Stern
16 that --

17 Q On Page 3, sir, at the top, what you say is:

18 "To get a sense of where I was, so we've
19 done this, so Thursday Balanoff came back
20 from a message directly from Obama,
21 Valerie Jarrett."

22 Isn't that what you said on November 7th
23 after your meeting with Mr. Balanoff? Yes or no.

24 A That's correct.

25 Q Tab 29, sir, Page 1, this is a call on November

1 11th at 9:37 a.m., correct?

2 A Yes.

3 q Take you to Page 6, line 25, you say:

4 "Look, as far as I'm concerned, the only
5 one I'm talking to about this in any
6 tangible way is Balanoff. I assume he was
7 sent to talk to me, I believe him.
8 Somebody else, it's all baloney. This is
9 the channel that was opened to me."

10 Isn't that what you said?

11 A There was the channel of an emissary --

12 q Is that what you said?

13 A Of course I said that. That's how I saw it,
14 that's right. He was a friend --

15 I'm sorry.

16 q I want to switch over to a slightly different
17 topic but staying on the Senate seat and that's the
18 501(c)(4) organization.

19 A Okay.

20 q On November 12th you had a phone conversation
21 with Tom Balanoff in which you discussed both
22 funding for the 501(c)(4) and Valerie Jarrett, do
23 you remember that phone call?

24 A Yes.

25 q So we're clear, is it your testimony that in that

1 call you did not indicate in any way, regardless of
2 the particular words, that you were willing to name
3 Valerie Jarrett the senator in exchange for money
4 for your 501(c)(4) organization?

:12AM

5 A Can you repeat that question again?

6 Q Is it your testimony that in that call on
7 November 12th you did not indicate to Mr. Balanoff
8 you were willing to name Valerie Jarrett the senator
9 in exchange for funding for your 501(c)(4)?

:12AM

10 MR. GOLDSTEIN: Objection.

11 THE COURT: Overruled.

12 BY THE WITNESS:

13 A I never indicated that I decided to do that.

14 BY MR. SCHAR:

:12AM

15 Q That's not my question. My question is not what
16 you decided, my question is whether or not you
17 indicated that you would trade the Senate seat to
18 Valerie Jarrett in exchange for funding for your
19 501(c)(4) organization?

:12AM

20 A I don't believe -- I remember that conversation
21 very well, and the way you're phrasing that question
22 I can't simply answer that with a yes or no.
23 There's more to that question.

:13AM

24 Q Did you offer, did you attempt, did you in any
25 way, in any terms, suggest to Mr. Balanoff that you

1 would name Valerie Jarrett the senator in exchange
2 for funding for your 501(c)(4)?

3 MR. GOLDSTEIN: Objection.

4 BY THE WITNESS:

5 A I never said anything like those words you just
6 said.

7 THE COURT: Overruled.

8 THE WITNESS: Yeah.

9 BY MR. SCHAR:

10 q In any conceivable way at all --

11 MR. GOLDSTEIN: Objection, Your Honor.

12 MR. SCHAR: Judge?

13 THE COURT: Overruled.

14 BY MR. SCHAR:

15 q Were you suggesting to Mr. Balanoff that you
16 would trade the Senate seat to Valerie Jarrett for
17 your funding for your 501(c)(4)?

18 A I never decided that's what I wanted to do, so I
19 can't say -- I can't answer it like that.

20 Did we talk about the two of them? That
21 conversation came up. She had withdrawn publicly
22 earlier in the day.

23 q We'll get to that.

24 A Okay.

25 q Were the two linked, were you trying to link them

1 with Mr. Balanoff?

2 MR. GOLDSTEIN: Objection, Your Honor.

3 THE COURT: Overruled.

4 BY THE WITNESS:

5 A I -- I -- we talked about the two in the same
6 conversation that potentially could have been if we
7 went in that direction, but there was no decision.
8 I hadn't decided anything.

9 BY MR. SCHAR:

10 q In that phone call were you linking them? Yes or
11 no.

12 A I don't believe I was linking them for the
13 purpose of saying I would do one for the other, no.

14 q That is --

15 A Were we talking about the two as possibilities,
16 that call speaks for itself.

17 q Okay. Let's go back to before your call with
18 Mr. Balanoff.

19 That's at tab 28, this is a call on November
20 11th at 9:16 a.m. between you and Mr. Harris,
21 correct?

22 A Yes.

23 q On Page 2, Mr. Harris tells you that he talked to
24 Mr. Wyma and he has a message from the
25 President-Elect through Rahm Emanuel, correct?

1 A Yes.

2 q And the message is that the President-Elect would
3 be thankful and appreciative if you were to name
4 Valerie Jarrett as the senator, correct?

5 A Yes.

6 q At line 30 you say:

7 "Grateful and appreciative."

8 Mr. Harris says:

9 "Thankful and appreciative."

10 And you say immediately thereafter:

11 "I think a 501(c)(4), can we get his friend
12 Warren Buffet or some of those guys to
13 help us on something like that?"

14 Next page Mr. Harris says:

15 "What? For you?"

16 You say:

17 "Yeah, for me to ultimately be, you know,
18 get involved in, could it be like kids
19 insurance."

20 Is that an accurate reading of that
21 transcript, sir?

22 A Yes.

23 q The next tab, tab 29, November 11th, 2008, at
24 9:37 a.m., correct?

25 A Right.

1 q Between you and Mr. Scofield, correct?

2 A Yes.

3 q Before your conversation with Tom Balanoff on
4 November 12th, correct?

5 A That's right.

6 q Page 6, line 34:

7 "501(c)(4) issue advocacy 10, 15, 20
8 million dollars in an organization like
9 that, you can get going with, you know, a
10 board I'm comfortable with and when I'm no
11 longer governor, I go over there."

12 Line 7:

13 "I bet you JB can raise me money like
14 that." Line 10:

15 "For a Senate seat."

16 Line 12:

17 "If I can get JB to do something like that,
18 is it worth giving him the Senate seat."

19 Those were your words, correct?

20 A Ah --

21 q Yes or no.

22 A This is what I said on the call, which I also
23 said how do you do a deal like this, it has to be
24 legal, obviously. I said that earlier in the same
25 call, and everything I talked about was predicated

1 on that very simple proposition --

2 q The answer to my question is yes?

3 A -- how do you do a deal like that.

4 I said that, yes.

5 q Tab 30, November 12th, 2008, a call with Mr.

6 Harris, correct?

7 A Yes.

8 q Prior to your call with Mr. Balanoff, correct?

9 A Yes.

10 q Page 3, line 1.

11 A Yes.

12 q You say:

13 "501(c)(4), you know, get the contributors

14 and others to put 10 to 15 million-dollar

15 in it so I can advocate healthcare and

16 other issues I care about and help while I

17 stay as governor and she's a senator,

18 that's a pretty good request, isn't it?"

19 Your words, correct?

20 A "That's a pretty good request, isn't it." Yes.

21 Yes.

22 q Page 4, same tab, line 9, Mr. Harris begins to

23 tell you, asks questions about whether or not this

24 fits in the legislative agenda, correct?

25 A Yes.

1 q Line 17 you say:

2 "They could complicate it by thinking that
3 or they can simply say, hey, we get
4 Valerie Jarrett, let's help this guy have
5 a 501(c)(4) issue advocacy organization,
6 but fund it to the level that he's asked
7 for and then we'll get Valerie Jarrett."
8 Isn't that what you said?

9 A Yes.

10 q And the fact is, sir, you wanted to get a job at
11 this organization? Yes or no.

12 A Not at that time. I wanted to use that for this
13 purpose, possibly in the future I said, that maybe
14 it's a place I could go to after I'm governor, I did
15 say, that's correct. We talked about that for a
16 while.

17 q What you said was it would be a real effort but a
18 place for you to land when you're no longer
19 governor, correct?

20 A Yes, I said that.

21 q And you wanted a job that paid well at this time,
22 correct? Yes or no.

23 A I can't answer that with a yes or no because I
24 had no idea what I wanted. I'm trying to figure it
25 out. That's what these conversations are.

1 q The same tab, Page 17, line 30, you say:
2 "Right, but you understand, it's very
3 important for me to make a lot of money.
4 I need the independence, I need the
5 freedom."

6 Your words, correct?

7 A Yes. At that time, yes.

8 q You wanted a board of directors for this
9 organization that you could control, correct?

10 A If it went that way, yes.

11 q Now, on November 12th, you heard from John Harris
12 that Valerie Jarrett might be taking a position in
13 the White House, correct?

14 A Yes.

15 q And you raised the issue of the 501(c)(4) with
16 him, correct?

17 A Mr. Schar, is this the same call we're talking
18 about?

19 q Why don't we go to tab 34.

20 A Okay.

21 So the answer is yes.

22 q This call is at 10:26 a.m. on November 12th,
23 correct?

24 A Yes.

25 q You raised the issue of the 501(c)(4) with Mr.

1 Harris after you hear that Valerie Jarrett may be
2 taking a White House job, correct?

3 A Yes.

4 Q Page 5, you say, line 31:

5 "Why don't you bounce that, why don't you
6 go back and talk to him about the
7 healthcare." Over on Page 6:

8 "I mean the advocacy thing."

9 Line 4 you say:

10 "What do you think?"

11 Mr. Harris says:

12 "I think we should strategize a little bit
13 before we do that."

14 And you say "okay."

15 You say at line 9:

16 "All right, let's think about it."

17 Correct?

18 A Yes.

19 Q You get off the phone with Mr. Harris. At 10:26
20 a.m. the call ends, correct?

21 A Yes.

22 Q Tab 35, at 10:32 a.m. you reach out to Mary
23 Stewart, correct?

24 A Yes.

25 Q You ask her to get Tom Balanoff on the phone,

1 correct?

2 A Yes.

3 q Tab 36. By.

4 10:34 a.m. you are on the phone with Tom
5 Balanoff?

6 A Yes.

7 q This is the same Tom Balanoff who you believe was
8 the channel that had been open to you back to the
9 president-elect and Ms. Jarrett, correct?

10 A The same friend who came in and -- came to me to
11 begin discussions about Valerie Jarrett and the
12 Senate seat, yes.

13 q The answer to my question is "yes," sir?

14 A Yes, sir.

15 q You told Tom Balanoff about your 501(c)(4) idea,
16 correct?

17 A Yes.

18 q At Page 5, line 26, you indicate:

19 "This is a place where you want to create a
20 501(c)(4) --"

21 At line 31:

22 "... organization that would be, you know,
23 there if I'm not governor again."

24 Correct?

25 A Or whatever I do later, yes.

1 q It would be a place for you to get a job, that's
2 what you were telling him yes?

3 A I was saying that there possibly, yes.

4 I'm sorry. Yes.

5 q On Page 7, you told Mr. Balanoff, at line 24,
6 that you wanted up to \$20 million for your
7 501(c)(4), correct?

8 A For the organization, not for me, yes.

9 q The organization where you would get a job
10 potentially, correct?

11 A Like I say there possibly work there when I'm no
12 longer governor. It was an idea.

13 q You wanted the money quickly?

14 A Yes. I mean, if it's at all possible and we
15 ultimately decided to go in that direction, could we
16 do this and do it now so I could fight for
17 healthcare and join the fight, that was what I was
18 interested in exploring and talking about.

19 q The answer to my question is yes?

20 A Yes.

21 q You suggested it could be done overnight,
22 correct?

23 A Yes.

24 q And you indicated, sir, isn't it a fact that in
25 this phone call you indicated to Mr. Balanoff that

1 if you got your millions for your 501(c)(4) you
2 would give Valerie Jarrett the Senate seat?

3 MR. GOLDSTEIN: Objection, Your Honor.

4 THE COURT: Overruled.

5 BY THE WITNESS:

6 A No, I never -- I never told him to go tell Obama
7 or ask Rahm or anybody that I would do that. I did
8 not say that.

9 BY MR. SCHAR:

10 q That's not my question. I didn't ask you whether
11 you would do that, what you indicated sir, and
12 knowing who this messenger was, was that if you got
13 your millions of dollars, you'd name Valerie Jarrett
14 the senator? Yes or no.

15 A I can't answer that like that because I see what
16 I said here, but that's not what I mean there. See,
17 that's the difficulty.

18 q well, if you didn't mean it, then the answer is
19 no, you didn't indicate that, is that what you are
20 saying?

21 A well, I indicated --

22 MR. GOLDSTEIN: Objection, Your Honor. He
23 asked about indicated and now he is saying what he
24 meant.

25 THE COURT: I believe the witness inserted

1 the question of what he meant rather than what he
2 said. Repeat the question.

3 BY MR. SCHAR:

4 Q Did you mean to communicate to Mr. Balanoff that
5 you would give Valerie Jarrett the Senate seat if
6 you got funding for your 501(c)(4)?

7 A No, I didn't mean to do that.

8 Q What you said was:

9 "You know, overnight," at line 24 "10, 15,
10 20 million dollars in an advocacy group
11 like, couldn't they?" Line 28 "and then
12 we could help our new senator Valerie
13 Jarrett."

14 Isn't that what you said?

15 A I did say that.

16 Q Tab 39, please.

17 This is a call between you and your wife at
18 10:50 that morning, correct?

19 A Yes.

20 Q Shortly after you talked to Mr. Balanoff,
21 correct?

22 A Yes.

23 Q Page 2, beginning at line 32, you say in
24 reference to your conversation with Mr. Balanoff:

25 "So I said, look, man, she can be a

1 senator. I want this 501(c)(4) thing."

2 Next page:

3 "You said that to Balanoff or to Rahm?"

4 You say:

5 "To Balanoff, not to Rahm."

6 Aren't those your words, sir?

7 A Those are my words to Patti, but obviously I did
8 not say that to Tom Balanoff because we just did
9 that call, but that's how I characterized it to
10 Patti at that time.

11 Q Did you accurately characterize it to your wife?

12 A I was talking quick and shorthand.

13 Q Right. And the shorthand for trading the Senate
14 seat for millions of dollars is:

15 "Look, man, she can be a senator, I want to
16 this 501(c)(4) thing."

17 A This is the gathering of options --

18 MR. GOLDSTEIN: Objection.

19 THE WITNESS: In these discussions, you can
20 see, I'm asking a lot of questions whether these
21 things can be done before I make a decision. These
22 are all potential scenarios --

23 THE COURT: I want you to stop.

24 what you are doing is something that perhaps
25 your lawyer will say in closing argument, it's

1 really not appropriate. Just answer his question.

2 THE WITNESS: Okay, Judge.

3 THE COURT: If you can answer it yes or no,
4 answer it yes or no.

5 THE WITNESS: Yes, Judge.

6 BY MR. SCHAR:

7 q Sir, the fact of the matter is, in that phone
8 call with Mr. Balanoff, you had every intention of
9 suggesting to him that you would trade the Senate
10 seat for money in a 501(c)(4), didn't you? Yes or
11 no.

12 MR. GOLDSTEIN: Objection, Your Honor.

13 THE COURT: Overruled.

14 BY THE WITNESS:

15 A No. No decision.

16 BY MR. SCHAR:

17 q Is what told your wife accurate? Yes or no.

18 A I think I -- if you look at it literally, it's
19 inaccurate.

20 q Okay. Now, the fact is, sir, you expected
21 Mr. Balanoff to pass on your request for money in a
22 501(c)(4) for Ms. Jarrett personally, didn't you?

23 A I thought he might do that.

24 q Tab 37, please.

25 The call, again after you talked to

1 Mr. Balanoff, is at 10:44 a.m. now with Mr. Harris,
2 correct?

3 A Yes.

4 Q Line 21:

5 "Yeah," this is you, "he thinks it's very
6 possible. Anyway, I threw the 501(c)(4)
7 he does, he's not 100-percent sure if
8 Valerie still doesn't want to be a
9 senator, so he's gonna talk to her
10 personally."

11 Correct, you said that?

12 A Right, that's what I say, yes.

13 Q Page 2, line 14:

14 "I told him about 501(c)(4) idea, 10, 15,
15 12 million. He's gonna run that up the
16 flagpole see if she's interested."

17 Correct.

18 A Yes.

19 Q And, in fact, the next thing you did, at
20 10:47 a.m., behind tab 38, is have another call with
21 Tom Balanoff, correct?

22 A Yes.

23 Q And at Page 2, you indicated and made clear that
24 if Ms. Jarrett still wanted to be senator, it was a
25 very real possibility, correct?

1 A Yes, that's more accurate.

2 Q That's --

3 A That's an accurate description.

4 Q Line 1:

5 "You know, if she really wants to be a
6 senator, it's a very real possibility it
7 could happen." Correct?

8 A Yes I said that, yes.

9 MR. SCHAR: Judge, I don't know if you want
10 to take a break? I can keep going.

11 THE COURT: Are you changing subjects
12 slightly?

13 MR. SCHAR: Slightly. Enough to justify a
14 break, if you would like one.

15 THE COURT: Take a break.

16 THE MARSHAL: All rise.

17 (The following proceedings were had out of
18 the presence of the jury in open court:)

19 THE COURT: Fifteen minutes.

20 Counsel, come to the side.

21 (Proceedings heard at sidebar on the
22 record.)

23 THE COURT: I have additional data on the
24 jury that we discussed this morning.

25 When she came--I didn't realize this because

1 I hadn't been told --when she came in this morning,
2 she said, volunteered to the CSO, that she made a
3 stupid request, referring to the book, and
4 apologized. So that's another thing to put in your
5 data.

6 MR. SOROSKY: Should closing argument be next
7 week, get her an autographed copy?

8 THE COURT: You may want to see exactly where
9 this comes out. If things go badly, it might be
10 considered one of the world's gracious gestures of
11 all time.

12 MR. SOROSKY: All right. Be gracious. Be
13 gracious.

14 MR. SCHAR: Judge, we're going to 12:30,
15 12:45?

16 THE COURT: Yeah. About.
17 (Proceedings resumed within the hearing of
18 the jury.)

19 THE COURT: Recess.
20 (Recess.)

21 THE MARSHAL: All rise.
22 (The following proceedings were had in the
23 presence of the jury in open court:)

24 THE COURT: An empty chair is very
25 disturbing.

1 (Brief pause.)

2 Please be seated.

3 You may resume.

4 MR. SCHAR: Thank you, Judge.

5 BY MR. SCHAR:

6 Q Mr. Blagojevich, I believe at direct and also in
7 response to my questions, you indicated that there
8 were news reports that Ms. Jarrett might be taking a
9 White House position on the morning of November
10 12th, correct?

11 A Yes.

12 Q But you, sir, even after that time, still
13 believed, did you not, that Ms. Jarrett would take
14 the Senate seat if she could get it?

15 A I believe that it was possible.

16 Q You indicated to several people, in fact both
17 that day and in later days, that your guess was she
18 still wanted to be a senator, correct?

19 A I may have expressed those things, yes.

20 Q Well, why don't we go to tab 33.

21 This is a call at 9:35 a.m. on the morning of
22 November 12th with Mr. Yang, correct?

23 A Yes.

24 Q Your polster, right?

25 A Yes.

1 q And on Page 2, at line 20, you inform Mr. Yang:
2 "So CNN's reporting today that he wants her
3 in the administration."

4 That being that president-elect wants
5 Ms. Jarrett in the administration, correct.

6 A Yes.

7 q And at line 28 you say:

8 "I don't really know. I mean, my first
9 instinct is two-fold, her being out there,
10 you know, out there too much, they want to
11 bring it back a little bit."

12 And that was a reference to the fact that it
13 was known that the president-elect wanted
14 Ms. Jarrett, correct?

15 A Yes.

16 q And this may be just a report indicating that she
17 was going to the white House, so it didn't seem they
18 were being too eager, fair to say?

19 A Possibly, yes.

20 q You say on line 35:

21 You know, what if I don't pick her."

22 Over on page 3:

23 "Maybe from their" line 2 "maybe from their
24 point of view, and the other one is, you
25 know, maybe they're trying to send me a

1 signal which is this ain't that important
2 to us."

3 Those are your words, correct?

4 A Yes.

:01PM

5 q And what you thought as a potential other option
6 was that they were trying to dilute, for lack of a
7 better word, the value of making Ms. Jarrett a
8 senator, correct?

9 A Are you asking me if I said that?

:01PM

10 q I'm not asking if you said that, that was what
11 you were communicating?

12 A Can you ask me that again?

:01PM

13 q What you are indicating is that this report may
14 just be just an attempt to indicate to you that
15 naming Ms. Jarrett a senator wasn't actually all
16 that important to president-elect Obama?

17 A Yes, that sounds like that would be among the
18 things I could have thought, yes.

:02PM

19 q And at line 10 you have your third option, which
20 is maybe it's actually true, correct?

21 A Correct. Right. That was the one that was
22 right.

:02PM

23 q And at line 28 you say:

24 "So, you know, my guess is, she still wants
25 to be a senator."

1 Right? Those are your words?

2 A Yes, they are.

3 q And, in fact, when you talked to Tom Balanoff
4 that day, you understood Mr. Balanoff was going to
5 go back to Ms. Jarrett personally to see whether in
6 fact she still wanted to be the senator, correct?

7 A Yes.

8 q You reported that to Mr. Harris at one point and
9 also, I believe, to your wife at one point, correct?

10 A Yes.

11 q And, in fact, if we move to -- why don't we move
12 to November 13th, we'll come back to this issue
13 shortly.

14 Now, on November 13th, which was the
15 following day, you decided, did you not, that you
16 would use another route to ask for millions of
17 dollars for a 501(c)(4), correct?

18 A On the 13th?

19 q Correct.

20 A Yes.

21 MR. GOLDSTEIN: Objection, Your Honor.

22 BY THE WITNESS:

23 A I think you're right.

24 THE COURT: Wait. He answered it.

25 BY THE WITNESS:

1 A I think you're right.

2 BY MR. SCHAR:

3 Q But you enlisted on the 13th Mr. Scofield to
4 communicate your request for millions of dollars to
5 Mr. Wyma, right?

6 A Well, it -- Wyma was a potential -- well, it was
7 -- hope that it would go to Rahm Emanuel.

8 Q I understand. I'm just asking you one question
9 at a time.

10 A I get you.

11 Q You enlisted Mr. Scofield to go to Mr. Wyma first
12 for the request of millions of dollars in a
13 501(c)(4), correct?

14 A Yes.

15 Q I'll finish it off for you.

16 Mr. Wyma, your goal was for Mr. Wyma then go
17 to Rahm Emanuel with your request for millions of
18 dollars?

19 A To ask if he'd be willing to help, yes.

20 Q Just so I understand, is it your testimony that
21 on the 13th you were not trying to send a message to
22 Rahm Emanuel that in exchange for millions of
23 dollars of funding in a 501(c)(4), you would name
24 either Valerie Jarrett or whoever the
25 president-elect wanted to the Senate seat?

1 MR. GOLDSTEIN: Objection, Your Honor.

2 THE COURT: The objection is overruled.

3 BY THE WITNESS:

4 A I think I forgot the question. Could you ask it
5 again?

6 BY MR. SCHAR:

7 Q I could try.

8 THE COURT: It might be better if you cut out
9 "just so I understand it."

10 MR. SCHAR: Very good, Judge.

11 BY MR. SCHAR:

12 Q Is it your testimony that you were not, on the
13 13th, trying to send a message to Rahm Emanuel that
14 in exchange for millions of dollars in your
15 501(c)(4), you would name Valerie Jarrett or whoever
16 the president-elect wanted to the Senate seat?

17 MR. SOROSKY: Objection the form of the
18 question, "is it not your testimony." Just ask the
19 question.

20 THE COURT: Do you want him to use another
21 word in what would be the third time?

22 MR. SOROSKY: Sure.

23 MR. SCHAR: Try again.

24 BY MR. SCHAR:

25 Q On November 13th, were you trying to send a

1 message to Rahm Emanuel that in exchange for
2 millions of dollars of funding in a 501(c)(4), you
3 would name either Valerie Jarrett, or whomever the
4 president-elect wanted, to the Senate seat?

:05PM

5 A I was not doing that. I wanted it not in
6 connection with the Senate seat or the Fifth
7 congressional District.

:06PM

8 I expressly instructed Scofield to go to Wyma
9 not in connection with the Senate seat or the Fifth
10 Congressional issues that Congressman Emanuel asked
11 me to help him with.

12 q So the answer is no?

13 A The answer is no.

:06PM

14 q Now, you knew that Rahm Emanuel was involved in
15 recommending people to the Senate seat, correct, on
16 behalf of president-elect Obama?

17 A He had suggested some ideas and some names. I
18 don't know that he was recommending anybody.

19 q He communicated four potential options?

:06PM

20 A Oh, yeah.

21 q Correct?

22 A There was a list that was sent to us from Rahm,
23 that's right. That's correct.

:06PM

24 q You also at this point believed, did you not,
25 that Rahm Emanuel actually wanted Valerie Jarrett to

1 take the Senate seat so she was out of the white
2 House, correct?

3 A Yes.

4 q Now, on November the 13th, you called Doug
5 Scofield, right?

6 A Yes.

7 q And you communicated to Mr. Scofield your view
8 that Ms. Jarrett would still take the Senate seat if
9 she could get it, correct?

10 A I may have. I don't have it in front of me, but
11 I may have.

12 q Let's go to tab 44.

13 This was a call on November 13th at
14 12:21 p.m., correct?

15 A Yes.

16 q If you look over -- it's between you and
17 Mr. Scofield?

18 A Yes.

19 q Over on Page 2, line 5, Mr. Scofield indicates to
20 you:

21 "They didn't think they were bluffing, they
22 said, you know, they're going to put
23 Valerie in the administration."

24 You say:

25 "I don't disagree with that. I still think

1 she might, you know, if she could get it,
2 she'd take it."

3 Those were your words, right?

4 A Yes. Yes.

:08PM

5 q Now, in this conversation, at line 27 I believe,
6 you mentioned your 501(c)(4) idea, at beginning of
7 line 20 and then 32, and millions of dollars of
8 funding to Mr. Scofield, correct?

9 A Yes.

:08PM

10 q And over on Page 3, at line 25, you indicate your
11 strategic goal is to have Rahm have it in his head
12 sooner rather than later, like today, tomorrow,
13 correct?

14 A Yes.

:08PM

15 q So you wanted to put the idea of millions of
16 dollars for your 501(c)(4) in Rahm Emanuel's head,
17 correct?

18 A Yes.

19 q And you wanted to do it quickly?

:09PM

20 A Yes.

21 q And the fact is, sir, that you wanted it
22 communicated quickly because it was in relation to
23 the Senate seat, wasn't it?

:09PM

24 A No, not necessarily. No decision, didn't know
25 what I wanted to do yet.

1 q Maybe it was --

2 MR. GOLDSTEIN: Objection.

3 BY THE WITNESS:

4 A I didn't know yet. I didn't know.

5 BY MR. SCHAR:

6 q In this phone call, was it or wasn't it?

7 MR. GOLDSTEIN: Objection, Your Honor.

8 BY THE WITNESS:

9 A No, it was not. I made it expressly clear to
10 Doug to convey it, and I expressly said, do not
11 connect it to the Senate seat or the Fifth
12 Congressional district because I didn't want to
13 promise or commit to anything I wasn't ready to do.

14 q When you said "not necessarily," was it possible
15 it was going to be in the near term connected to the
16 Senate seat?

17 MR. GOLDSTEIN: Objection.

18 THE COURT: Overruled.

19 BY THE WITNESS:

20 A How do you do a deal like that? It's got to be
21 legal, obviously. If it was legal, who knows. We
22 thought it was, I certainly did, everybody else
23 seemed to think so, too, that's why we were talking
24 about these things. But I was not yet in the
25 position to decide it. I was gathering options.

1 MR. SCHAR: Judge, move to strike.

2 THE COURT: I'm going to strike the whole
3 answer because the vast majority of it was
4 nonresponsive. The jury is instructed to disregard
5 it.

6 BY MR. SCHAR:

7 Q In this call, you're saying it was not connected?

8 A I expressly said it's not.

9 Q On November 13th your testimony is, it was not
10 connected?

11 A I expressly say it's not connected. I direct him
12 to say that.

13 Q Well, Mr. Scofield, on Page 4, at line 1,
14 indicates:

15 "He understands and says we're not talking
16 as part of the discussions for anything
17 else." You say:

18 "Well, it's unsaid, you understand what I'm
19 saying?"

20 He says:

21 "Yeah."

22 You say:

23 "It's unsaid."

24 You told Mr. Scofield the connection was
25 unsaid, correct?

1 A Mr. Scofield was connecting it, I said don't say
2 it, do not do it.

3 Q What you said was "unsaid," correct? That's the
4 term you used?

5 A I said that, yes.

6 Q And according to your testimony, when you said
7 "unsaid," what you were saying is, if I understand
8 you correctly, don't connect the two, is that what
9 you're saying?

10 A That's exactly what I'm saying.

11 Q All right.

12 Let's go to tab 46.

13 This is a call on the 13th, about
14 fifteen minutes later with Mr. Scofield, correct?

15 A Yes.

16 Q Page 2, bottom of the page at line 33, you say:

17 "So the mission for Wyma is to essentially
18 put it in Rahm's head that we would like
19 him to help us, you know, fund it."

20 That's that you said, right? Those are
21 your words?

22 A That's right. That's right.

23 Q Over on to Page 3 Mr. Scofield says:

24 "I assume while it's not said, this is a
25 play to --

1 You say:

2 "Correct."

3 "-- put in play other things."

4 You say:

5 "Correct."

6 And Mr. Scofield says:

7 "And is this because, just so I understand,

8 because we think there's still some light

9 in Valerie potentially or do we have

10 another play here?"

11 You say:

12 "I think there's still some --"

13 Mr. Scofield says:

14 "It doesn't matter to me, I don't need to

15 know."

16 You say:

17 "Not so much her, but possibly her, but

18 others."

19 You talk about Rahm, and then down at line

20 25 you say:

21 "Yeah, so is, this is Valerie or not

22 Valerie, it doesn't have to be her."

23 Those are your words, correct?

24 A Yes.

25 Q You confirm, sir, in this call, in fact, it was

1 in connection with Ms. Jarrett?

2 A No. Uh-uh. No, sir.

3 q Mr. Scofield specifically asks you if there's
4 still some light in Valerie in relation to this
5 issue, doesn't he?

6 A well, he asked that, but in the same call I tell
7 him--again like previously--it's unrelated. I
8 reaffirm to him, it is unrelated, do not the two.

9 q what you said was the message to be communicated
10 wasn't supposed to be obvious.

11 A No.

12 q Not that it's unrelated, isn't that right?

13 A No, I'm not saying that at all. In fact, just
14 the opposite is the case. Do not promise or commit
15 anything I'm not ready to do yet.

16 q well, in fact, you believed Mr. Scofield you
17 communicated the request, didn't you?

18 A I think he indicated that he might, right?

19 q Tab 47.

20 Later that afternoon on the 13th, at line 4,
21 Mr. Scofield says:

22 "Okay, ah, talked to John. John said he
23 will talk to Rahm and report back."

24 You said:

25 "Beautiful."

1 Correct?

2 A Yes.

3 Q Now, according to -- so you did believe the
4 message had been communicated, correct?

5 A Doug told me that he talked to John and John said
6 he would do it, that's what I believed.

7 Q According to your testimony, if I understood it
8 on direct, the reason you did not want to call
9 Mr. Emanuel because -- well, there were two reasons,
10 essentially: One, you said Mr. Emanuel was busy,
11 and, two, you thought he would say no?

12 MR. GOLDSTEIN: Objection, Your Honor.

13 THE COURT: Overruled.

14 BY THE WITNESS:

15 A That's among the reasons, yes.

16 BY MR. SCHAR:

17 Q So let's start with too busy.

18 In fact, sir, at this time wasn't it you that
19 was avoiding calls from Mr. Emanuel?

20 A That could very well be. I was trying not to get
21 pressured or rushed into a decision. So -- in fact,
22 that was the case. I was trying to avoid
23 conversations so I could sort out what I wanted
24 finally do and decide to do and I didn't want to
25 have conversations that could somehow be

1 misconstrued that I was promising something I hadn't
2 decided I wanted to do yet.

3 q So the answer to my question is yes, you were
4 avoiding calls with Rahm Emanuel?

5 A I was avoiding calls and meetings with Rahm, yes.

6 q And according to you, you also didn't want to
7 call Congressman Emanuel because you were afraid he
8 would say no, right?

9 A Well, I wasn't afraid he was going to say no. I
10 expected that he would say no.

11 q Sir, isn't it a fact that you did want to be the
12 one to make the request for millions of dollars
13 because you knew it was in connection to the Senate
14 seat? Yes or no.

15 A No.

16 q In fact, yes or no, you didn't even want to be
17 the one to ask John Wyma to call Congressman Emanuel
18 because you knew it was in connection to the Senate
19 seat? Yes or no.

20 A The second part of your question is no, the first
21 part of your question is I had some reservations
22 about calling John Wyma, having John Wyma to do it
23 or asking him to do it.

24 q Tab 46, again your conversation with
25 Mr. Scofield.

1 On the 13th, at Page 5, beginning at line 16
2 you say regarding talking to Mr. Wyma:

3 "I don't want to have the conversation with
4 him because I don't want him ever to have
5 to answer a question that I asked him to
6 call Rahm Emanuel on this, see what I'm
7 saying?"

8 Line 23:

9 "And he's got a client that's being
10 scrutinized over the Health Facilities
11 Planning Board." Those are your words,
12 correct?

13 A Yes.

14 Q And when you say "scrutinized" you were talking
15 about the fact that federal investigators, as you
16 understood it, might be looking at one of his
17 clients at the Planning Board, correct?

18 A There were published records about it, yes.

19 Q Yes or no?

20 A Yes. Yes.

21 Q After the 13, Mr. Blagojevich, you didn't really
22 discuss this idea of a 501(c)(4) much anymore, did
23 you?

24 MR. GOLDSTEIN: Objection.

25 BY MR. SCHAR:

1 q Okay. You were asked this question on direct:
2 "And was this 501(c)(4) idea discussed much
3 after this date of November 13th?"
4 Wasn't your answer "no"?

5 A Yes, best I can recall, we didn't discuss it a
6 lot after that.

7 q And around this time, Ms. Jarrett went to the
8 White House, correct?

9 A It was --

10 q Yes or no.

11 A Yes.

12 well, hold on. They didn't -- they didn't
13 get the keys to the white House until January 20th,
14 2009. So she didn't go to the white House, but --

15 q She didn't walk in the front door but you
16 understood --

17 A I just want to be very careful how I answer your
18 question. I think we're saying the same things but,
19 just for the record, she didn't go to the white
20 House, I'm not saying that, because Bush was still
21 there. What I'm saying is, it was decided she was
22 going to work in the Obama administration, that was
23 already public.

24 MR. SCHAR: One moment, Judge.

25 THE COURT: Sure.

1 (Brief pause).

2 BY MR. SCHAR:

3 Q And at this time, sir, the reason you didn't want
4 to talk to Mr. Wyma was because you understood
5 federal investigators were looking into him,
6 correct?

7 A No, that was not the only concern or
8 consideration, there were others.

9 Q Let's go to tab 45.

10 This is a call from the 13th again right
11 around the time talked to Mr. Scofield, correct?

12 A Yes.

13 Q Page 2 --

14 A Yes.

15 Q -- Line 13, you say:

16 "You know -- " again, regarding Mr. Wyma

17 "-- he's being, you know, stories about

18 him being scrutinized now in the Health

19 Facilities Planning Board stuff, that's

20 what I'm skittish about, that's not to

21 worry about him with me, but I'm not being

22 comfortable me asking him, he won't do."

23 Mr. Harris says:

24 "He's going to be interviewed on that stuff

25 eventually, you don't want that, you don't

1 want, so the last time you talked to him,
2 what did you discuss."

3 That's what is discussed there, correct?

4 A That is what is discussed there, but there were
5 other reasons that I was a little -- I wasn't quite
6 sure. I had issues with John.

7 Q Now --

8 A There was certainly one of them.

9 Q On direct examination you discussed a
10 conversation you had with Dennis Hastert on
11 November 5th, correct?

12 A Yes.

13 Q And you stated on direct that Mr. Hastert said
14 words to the effect that you should get your quid
15 pro quo, correct?

16 A This is what I --

17 Q Yes or no?

18 A Yes. Yes.

19 Q That, sir, was in relation to a discussion about
20 Lisa Madigan and legislative issues, correct?

21 A And other things, yes.

22 Q When you say other things, you didn't tell
23 Mr. Hastert in that call that you were interested in
24 HHS, did you?

25 A No.

1 q You didn't tell him that you were interested in a
2 private foundation job, did you?

3 A No.

4 q You didn't tell him you were interested in the
5 job Change To win, did you?

6 A That idea came after that call with Hastert. So
7 I could've, I didn't even know that it existed then.

8 That came a day later, John Harris brought it up to
9 me. So I couldn't possibly have raised that with

10 Speaker Hastert because I didn't even know about it.

11 q You didn't tell Speaker Hastert you were having
12 your staff research ambassadorship jobs, correct?

13 A No.

14 q You didn't tell Speaker Hastert you were having
15 your staff research salaries for jobs for you,

16 correct?

17 A No.

18 q And you didn't tell Speaker Hastert that your
19 view of the Senate seat was good for the People of

20 Illinois and for me, did you? Yes or no.

21 A Did I say that on a call with Speaker Hastert? I
22 don't believe I did, no.

23 MR. SCHAR: Judge, could we have a brief
24 sidebar?

25 THE COURT: Sure.

1 (Proceedings heard at sidebar on the
2 record.)

3 MR. SCHAR: Judge, pursuant to your request
4 that I front things before I go into anything, I
5 would like to ask the questions about the Tribune
6 and the circumstances surrounding that. They're not
7 particularly extensive, but there's probably
8 15 minutes or so.

9 And then it also sets up a statement he made
10 after he was arrested which I think is in contrast
11 or in contradiction with things that are in the
12 phone calls. So I wanted to get Your Honor's
13 permission before I went ahead and do that and ran
14 afoul of any ruling.

15 THE COURT: It's going to be a little
16 difficult for the defense to object if they don't
17 have something more specific.

18 MR. SCHAR: I'm going to ask him some
19 questions about the fact that he was seeking -- or
20 directing John Harris, I should say, to have
21 conversations about firing Tribune board members at
22 the same time there was money -- a request for money
23 was pending by the Chicago Tribune.

24 And I think, in part, this also goes to rebut
25 the entire argument that he would never link the two

1 things in terms of governmental action and a
2 personal interest of his own, of personal benefit.
3 And then obviously there's -- that's really the
4 context of the discussion.

5 MR. GOLDSTEIN: Your Honor, we object to the
6 Tribune reference. It's not relevant. This hasn't
7 been any conduct that was alleged in the
8 Government's case-in-chief, the defendant didn't
9 mention it at all in his direct testimony, it's not
10 impeaching and it's not relevant.

11 MS. KAESEBERG: I would also add --

12 THE COURT: Well, wait. Wait. Why is it
13 non-impeaching? Actually, the evidence is a mixed
14 bag because if there's ever a clear quid pro quo,
15 it's the Tribune. On the other hand, he was pretty
16 clear about that to Mr. Harris, he wasn't so clear
17 with the others. So maybe your argument is -- and
18 he knows how to do a quid pro quo with the Tribune
19 and it's not under offenses charged. The argument
20 about prejudice won't sell, the other arguments
21 might, so why don't you go there.

22 MS. KAESEBERG: Well, I think what Mr. Schar
23 said that it rebuts the argument that he made that
24 he would never link the two things together, he
25 hasn't testified to that. He said under particular

1 circumstances -- you know, it's the sort of
2 discussion we had in court, but what he testified to
3 he didn't make a finite rule to say he would never
4 link the two things, so it doesn't rebut anything he
5 testified to.

6 MR. SOROSKY: well, he never said the
7 statement that Mr. Schar is premising his alleged
8 legitimacy to go into this form of inquiry. He
9 never said anything even close to what Mr. Schar
10 said.

11 THE COURT: well, no, he never said anything
12 explicitly. The argument here is entirely on what's
13 implicit in this stuff. So this guy --

14 MS. KAESEBERG: I'm not following you.

15 THE COURT: Because what Mr. Schar is dealing
16 with is the wink and the nod, which can get you put
17 in a federal penitentiary if the jury thinks it's a
18 wink and a nod is never said. Mr. Schar has never
19 argued that he explicitly said to someone if you do
20 this, we get that. When he does say it, it's
21 usually internal with his staff. So, basically, his
22 argument is is that it's implicit, and then your
23 client's backup position is, whatever it was, I
24 thought it was legal; but, of course, that doesn't
25 much matter in this case.

1 MR. RIEBMAN: Judge, explicitly he's made no
2 broad statement, there's no impeachment to bring
3 this in. It's not relevant.

4 THE COURT: I think it is impeaching, but,
5 more importantly, I think it is relevant.

6 But we're going to break now, since lunch is
7 coming.

8 MR. SOROSKY: Are there any other sensitive
9 areas we're going into that are not in -- that were
10 not clear topic of direct that you want to go over
11 them now?

12 MR. SCHAR: No. There might be, but I don't
13 want to go over them now.

14 MR. SOROSKY: Okay.

15 THE COURT: Actually, we do have a few
16 minutes. Why don't you ask a few questions.

17 MS. KAESEBERG: Can I ask, Your Honor, is he
18 going to ask him the questions establishing that it
19 is impeaching or is your ruling that he's already
20 made --

21 THE COURT: I'm overruling the objection.

22

23 (Proceedings resumed within the hearing of
24 the jury.)

25 THE COURT: We'll break in ten minutes.

1 BY MR. SCHAR:

2 Q Mr. Blagojevich, during the course of this trial
3 we've heard several conversations about your
4 concerns about being impeached in the fall of 2008,
5 correct?

6 A Yes.

7 Q And at the same time you were not very happy with
8 the Chicago Tribune, were you?

9 MR. GOLDSTEIN: Objection, Your Honor.

10 THE COURT: Overruled.

11 BY THE WITNESS:

12 A I think that's fair to say.

13 BY MR. SCHAR:

14 Q And just so everyone is clear, the Chicago
15 Tribune is a Chicago newspaper, correct?

16 A Yes.

17 Q And one of the reasons you were not happy with
18 them is they had been writing negative articles and
19 editorials about you, correct?

20 A Most of the -- mostly the editorials about --

21 Q And --

22 A I'm sorry.

23 Q That's right.

24 You wanted the editorials to stop, correct?

25 A I mean, it would have been nice if they stopped

1 and they supported our initiatives, that was
2 something I would have preferred, of course.

3 Q Now, at the same time, the Chicago Tribune is
4 owned by a company called the Tribune Company,
5 correct?

6 A At the time it was Sam Zell who owned it; right?

7 Q Well, the Chicago Tribune is run by the Tribune
8 Company, is that fair to say? Or was at the time?

9 MR. GOLDSTEIN: Objection, Your Honor.

10 THE COURT: Overruled.

11 BY THE WITNESS:

12 A I don't know the corporate structure of the
13 Chicago Tribune. I'd speculate or guess only
14 because --

15 BY MR. SCHAR:

16 Q -- speculate or guess.

17 A Sounds like it's right, but I don't know for
18 sure.

19 Q You understood, sir, that the Tribune Company was
20 looking for state financing in the fall of 2008,
21 correct?

22 A What issue are you talking about? I was helping
23 Sam Zell and the Cubs and the Tribune Company
24 through the Illinois Finance Authority --

25 Q That's the issue I'm talking about.

1 A -- for the renovation of Wrigley Field along the
2 lines of Fenway Park, yes.

3 Q All right. They were looking for funding from a
4 state entity called the Illinois Finance Authority,
5 correct?

6 A We were working with them to try to do that, yes.

7 Q My question was, they were looking for financing,
8 correct?

9 A Yes.

10 Q All right. You initially believed that the
11 financing to the Tribune Company would be about
12 \$500 million, right?

13 A Yes.

14 Q And --

15 A In the neighborhood.

16 Q That was high. Mr. Harris indicated to you it
17 was close to 100 million, correct?

18 A That's right.

19 Q Now, \$100 million is still a lot of money, is it
20 fair to say?

21 A Yes.

22 Q There was an individual who worked at the Tribune
23 Company called Nils Larsen?

24 A Nils Larsen, yes.

25 Q And you knew that Mr. Harris was in touch with

1 Nils Larsen, correct?

2 A We were working closely with them, yes.

3 Q Nils Larsen was one of the individuals working
4 through the Tribune Company for the Tribune Company
5 to try to get the state financing, right?

6 A Yes.

7 Q All right. I want to direct your attention now
8 to November 4th, that was election day, right in the
9 middle of your discussions in relation to the Senate
10 seat, okay?

11 A All right.

12 Q On November 4th, didn't you direct John Harris to
13 recommend to Nils Larsen that the Tribune Company
14 fire the Chicago Tribune editorial board? Yes or
15 no.

16 A When you say "direct," I was venting. So you say
17 direct John Harris --

18 Q Well, what you said was:

19 "We got all these and we got to figure this
20 out and our recommendation is fire all
21 those f'ers and get them the f' out of
22 there."

23 A That sure sounds like me.

24 Q That was you, correct?

25 A I'm sure it was.

1 q And you directed Mr. Harris to tell Nils Larsen
2 to get the Chicago Tribune to get you some editorial
3 support?

4 MR. GOLDSTEIN: Objection, Your Honor.

5 THE COURT: Overruled.

6 BY THE WITNESS:

7 A I think "direct" is not the word. We discussed
8 could -- it's more complicated than what you're
9 saying with this question. If you'd allow me to
10 fully explain it, I think I can help you with your
11 answer.

12 q What you said to Mr. Harris to communicate to Nil
13 Larsen was, get us some editorial support?

14 A I said that in that moment, I'm sure I did.

15 q And you directed Mr. Harris to have a
16 conversation with Nil Larsen before you would
17 approve the state financing, correct?

18 A No.

19 q Well, what you said was:

20 "Everything is lined up, but before we go
21 to the next level we need to have a
22 discussion on what you guys are going to
23 do about that newspaper." Mr. Harris
24 said:

25 "Well, I won't be so direct."

1 You said:

2 "Yeah, you know what you got to say."

3 A That's right. Can I tell you what he knows he
4 has to say? Would you let me say it? Because I'd
5 love to explain that to you.

6 THE COURT: Wait. Let your lawyers.

7 THE WITNESS: Okay.

8 BY MR. SCHAR:

9 Q You wanted them to lay off on you, correct?

10 A Yeah.

11 Q You wanted --

12 A And all the other newspapers.

13 Q You wanted Mr. Harris to communicate that,
14 correct?

15 A Yes.

16 Q All right. And on November 6th, you discussed
17 the issue with him again and he told you he talked
18 to Nils Larsen, correct?

19 A Yes.

20 Q And you understood he'd delivered a message,
21 correct?

22 A Can you tell me -- well, you're going to tell me
23 what he said, right?

24 Q All right. What you said:

25 "All right. So this is a priority, stay on

1 it, I mean, he gets the message, doesn't
2 he?"

3 Mr. Harris said:

4 "Oh, yeah, he got it loud and clear."

5 Correct?

6 A Yes.

7 Q And one of the message was to lay off on you,
8 right?

9 A That was the -- yes, that was the purpose.

10 Q After your arrest, sir, you appeared on a number
11 of television shows, correct?

12 A Yes.

13 Q And one of them was Rachel Maddow, which is
14 MSNBC?

15 A MSNBC.

16 MR. GOLDSTEIN: Objection, Your Honor.

17 THE COURT: Overruled.

18 MR. SCHAR: Judge, we have a demonstrative
19 I'd like to put up of a statement that was made, if
20 we may, on that show.

21 MR. GOLDSTEIN: Objection. Ask for sidebar.

22 THE COURT: No, it's overruled.

23 BY MR. SCHAR:

24 Q It was January 27th, 2009, after your arrest,
25 correct?

1 A That's correct.

2 q And Ms. Maddow was asking you questions about
3 allegations that were now public about the Tribune,
4 correct?

5 A Yes.

6 q She said:

7 "Did you tell them to lay off?"

8 You said:

9 "No."

10 "And there was never any discussion with
11 anybody at the Tribune?"

12 Ms. Maddow asked:

13 "John Harris never told them to lay off on
14 your behalf?"

15 You said:

16 "Never directed, never directed to do any
17 of that. But, again, I shouldn't get into
18 this, it's the wrong thing to do, there's
19 a Supreme Court rule that says you
20 shouldn't talk about the specifics of the
21 case."

22 When you said never directed, never directed
23 to do any of that, that was a lie, sir?

24 A No. Nils Larsen, in my mind, did not work for
25 the Chicago Tribune. Nils Larsen worked on the IFA

1 deal for the Cubs deal, he was not a Tribune person.

2 And "lay off" there to me, I believe, I took
3 it to mean, layoffs, they had layoffs at the Tribune
4 at that time and was I asking him to have the
5 Tribune fire people from the editorial board, that's
6 what I believe I was saying there.

7 Q So Ms. Maddow starts with "did you tell them to
8 lay off" and you understood that to mean did you
9 tell them to lay people off?

10 MR. GOLDSTEIN: Objection.

11 BY THE WITNESS:

12 A Fire people at the editorial boards.

13 MR. GOLDSTEIN: Objection; asked and
14 answered.

15 THE COURT: Overruled.

16 BY MR. SCHAR:

17 Q When she says "John Harris never told them to lay
18 off on your behalf," it's your testimony, sir, that
19 you understood that to mean tell them to lay people
20 off?

21 MR. GOLDSTEIN: Objection, Your Honor.

22 BY MR. SCHAR:

23 Q Yes or no?

24 THE COURT: Overruled.

25 BY THE WITNESS:

1 A My recollection is there was --

2 BY MR. SCHAR:

3 Q Yes or no.

4 THE COURT: Wait. Wait.

5 Yes or no?

6 BY THE WITNESS:

7 A Okay. The way I read that and recall now, I'm
8 talking about firing people at the editorial board,
9 that's what I believe I'm saying there.

10 BY MR. SCHAR:

11 Q Sir, the fact of the matter is, sir, you didn't
12 want the public to know about the directives and the
13 message you had given to John Harris, isn't that
14 right?

15 MR. GOLDSTEIN: Objection.

16 BY THE WITNESS:

17 A If you let me explain the whole story, I can
18 clarify that to you.

19 BY MR. SCHAR:

20 Q Why don't you go to November 21st.

21 On that day you heard that one of Chicago
22 Tribune editorial members, an individual named John
23 McCormick, had been fired, correct?

24 A I think Harris told me that, is that right?

25 Q My question is, did you hear that?

1 A Somebody told me that, yes.

2 q And you stated "it would be great if that were
3 true," correct?

4 A Yeah. There's another person I should apologize
5 to, yes.

6 q This wasn't a one-time vent, sir, this was an
7 issue that you stayed on throughout November, isn't
8 that right?

9 MR. GOLDSTEIN: Objection.

10 THE COURT: Overruled.

11 BY THE WITNESS:

12 A I stayed on trying to help the Tribune Company,
13 the Cubs, get financing with the state and doing it
14 around the legislature. They were advocating I
15 should be impeached for doing it, I wanted
16 communicated to them don't be advocating I should be
17 impeached when I go around the legislature to help
18 you guys renovate your ballpark.

19 MR. SCHAR: Judge, I'm going to move to
20 strike the answer as non-responsive.

21 MR. GOLDSTEIN: Objection, Your Honor.

22 THE COURT: Motion to strike is granted, the
23 jury is instructed to disregard the answer.

24 MR. SCHAR: Judge, I'm going to move on to
25 another subject at this time.

1 THE COURT: If you're moving on to another
2 subject, we'll recess now.

3 1:45.

4 THE MARSHAL: All rise.

5 This court is suspended until 1:45 p.m. this
6 afternoon.

7
8 (Luncheon recess taken from 1238 o'clock
9 p.m. to 1:45 o'clock p.m.)

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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED
MATTER

/s/Blanca I. Lara

date

Blanca I. Lara

Date